IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2652 OF 2006.

Bhalchandra Sadashiv @ Siddhu Gharge ... Petitioner.
Versus.
Papalal Sileman Mulani and others. ... Respondents.

Shri P.B.Shah for the Petitioner.
None for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 21st February, 2007.

P.C.:

1. Heard the learned Advocate for the Petitioner. By this petition under Article 227 of the Constitution of India, the Petitioner has taken exception to the judgment and order dated 20th January 2006 passed by the District Court in an Appeal under Order LXIII Rule 1(r) of the Code of Civil Procedure, 1908. By the impugned order, the application at Exh.5 filed by the original Plaintiff has been allowed. The interim injunction is operating against the Petitioner from 20th January 2006. The injunction has been granted by the Appellate Court on prima-facie finding that the original Plaintiff is in possession of the suit property. No case is made out for interference in this petition. Petition is rejected.

2. It is made clear that the trial Court will decide the suit on its own merits without being influenced by the impugned order or the confirmation thereof by this Court.

Judge.